



The Commonwealth of Massachusetts
Executive Office of Health and Human Services

**MASSACHUSETTS COMMISSION
 FOR THE DEAF AND HARD OF HEARING**

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Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC

In the Matter of)
)
 Closed Captioning and Video Description)
 of Video Programming)
)

MM Docket No. 95-176

NOTICE OF INQUIRY

**COMMENTS OF THE MASSACHUSETTS COMMISSION FOR
 THE DEAF AND HARD OF HEARING IN THE NOTICE OF
 INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO
 DESCRIPTION.**

To The Commission:

The Massachusetts Commission for the Deaf and Hard of Hearing is writing in response to your request for comments in the "Notice of Inquiry", FCC 95-484, in the above-captioned proceeding, released December 4, 1995.

The Federal Communications Commission seeks to assess the current availability, cost, and uses of closed captioning and video description, and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting the services' wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

The Massachusetts Commission for the Deaf and Hard of Hearing was established under Chapter 716 of the Acts of 1985 to serve as the principal agency of the Commonwealth on behalf of deaf and hard of hearing people. The Massachusetts Commission for the Deaf and Hard of Hearing exists to identify

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and represent the true situations, interests and needs of all deaf and hard of hearing individuals in the Commonwealth and to advocate, provide and/or effect a system of attitudes, programs and services within the public and private sectors which will permit deaf and hard of hearing individuals full opportunity for:

- (1) participation in family, employment and community activities;
- (2) access to public and private services and programs, or access to specialized services and programs if such are deemed more appropriate after study; and
- (3) access to information and range of communication systems available to hearing people.

The Massachusetts Commission for the Deaf and Hard of Hearing strives to be (1) fully accessible to consumers for information and service, (2) accessible to consumers' input, (3) a pivot point for statewide networking efforts, (4) responsive to the identified needs of constituencies, (5) innovative, (6) knowledgeable and (7) productively assertive in its representation of deaf and hard of hearing people.

Paragraph Comments

[Paragraph 11] We believe that research is needed to determine how to provide effective access to those of our constituents who are both Deaf and Blind.

[Paragraphs 11 & 12] Our primary constituents are the Deaf and Hard of Hearing citizens of Massachusetts, whose numbers are currently estimated at 400,000. Closed captioning is of vital importance to these citizens, providing them the opportunity to participate in the civic life of the Commonwealth and of the nation, and to acquire some of the skills that are taken for granted by citizens of unimpaired hearing.

[Paragraph 12] We urge the Federal Communications Commission to consider the establishment of programs that would make regular use of closed-captioned programs an integral part of Adult Basic Education courses in literacy.

[Paragraph 14] We believe that standards are needed to govern the captioning of news broadcasts, a service that is very far from uniform, even in the major population areas.

[Paragraphs 14 - 16] The current emphasis in captioning of broadcast programming appears to be on entertainment; we believe that greater emphasis is needed on educational and news programming.

[Paragraphs 14 - 16] We are concerned that much programming that has already been closed captioned is being rebroadcast or redistributed with that captioning removed. The most egregious examples of this can be seen in the Arts and Entertainment cable television channel, which rebroadcasts, without captions, many programs that originally shown, with captions, by Public Broadcasting Systems stations.

[Paragraphs 28 - 31] The argument that the cost of closed captioning constitutes an undue burden on producers or distributors of programming cannot, we believe, hold for the larger commercial entities. The estimated \$2,000 cost of captioning a one-hour program, when examined as a proportion of the overall cost of production of such a program, is quite small. We believe that some sort of objective measurement should be established to determine the degree to which provision of closed captioning would impose a genuine and undue burden on smaller production or distribution entities.

General Remarks

Many businesses (bars and restaurants, for example) that currently own television equipment capable of displaying closed captions are not aware of this capability. A program to educate them appears to be needed.

We are concerned that the recently-implemented Telecommunications Act will have an adverse impact on the funding of closed-captioned programming.

Funding of closed captioning from donor sources tends to carry the connotation that provision of such funding is an act of charity, with all that this entails. The actual issue is one of equal access, a fundamental civil right.

Contact Information

If the Federal Communications Commission wishes further information from this source, please contact:

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